

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANGEL L. NAVARRO-FIGUEROA,

Plaintiff

v.

CIVIL NO.: 08-2129 (ADC/MEL)

COMMISSIONER OF SOCIAL SECURITY,

Defendant

REPORT AND RECOMMENDATION

On October 2, 2008, plaintiff filed a complaint against the Commissioner of Social Security pursuant to section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) (2000), requesting review of a Social Security determination. (Docket 1.) On January 29, 2009, the court ordered plaintiff to file his brief by March 27, 2009. (Docket 5.) Plaintiff did not respond to the court's order. On May 29, 2009, the court, noting that the government had filed the administrative transcript, ordered plaintiff to file his brief no later than June 30, 2009. (Docket 11.) Once again, plaintiff did not respond to the court's order. On July 2, 2009, the court ordered plaintiff to show cause by July 7, 2009, as to why the case should not be dismissed for lack of compliance with the court's abovementioned deadlines. (Docket 12.) Plaintiff has not responded to any of the court's orders, and has not filed anything in the case since filing the complaint. (See Docket 1; Docket 2.)

Fed. R. Civ. P. 41(b) provides that an action may be dismissed “[i]f the plaintiff fails to prosecute or to comply with . . . a court order.” “A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte for any of the reasons prescribed in Fed. R. Civ. P. 41(b).” Cintrón-Lorenzo v. Departamento de Asuntos del Consumidor, 312 F.3d 522, 525-26 (1st Cir. 2002) (citing Link v. Wabash R.R. Co., 370 U.S. 626, 629-31 (1962)). In the present case,

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plaintiff has not made any filing in the past nine months. (See Docket 1; Docket 2.) Furthermore, plaintiff has filed no response to the court's orders to file a brief or the court's order to show cause for such noncompliance. (See Docket 5; Docket 11; Docket 12.) Therefore, the present action should be DISMISSED. See Figueroa-Ruiz v. Alegria, 896 F.2d 645, 649 (1st Cir. 1990) (dismissing claims for inaction and disobedience of court orders).

IT IS SO RECOMMENDED.

The parties have ten (10) days to file any objections to this report and recommendation. Failure to file same within the specified time waives the right to appeal this order. Henley Drilling Co. v. McGee, 36 F.3d 143, 150-51 (1st Cir. 1994); United States v. Valencia, 792 F.2d 4, 6-7 (1st Cir.1986).

In San Juan, Puerto Rico, this 9th day of July, 2009.

s/Marcos E. López

U.S. MAGISTRATE JUDGE